

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Civil No. 14-01090-CV-W-DGK

REAL PROPERTY LOCATED AT)

1920 4TH AVENUE, #406, SEATTLE,)

WASHINGTON ALONG WITH)

ALL ITS BUILDINGS,)

APPURTENANCES, AND)

IMPROVEMENTS, et al.,)

Defendants.)

ORDER OF PARTIAL JUDGMENT OF FORFEITURE

Plaintiff, United States of America, filed a verified complaint for Forfeiture in Rem (Doc. 2) against Defendants-properties. The Complaint alleges Defendants were involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956(a) and (h), 1957 and 1960 and are properties traceable to property involved in a transaction or attempted transaction in violation of 18 U.S.C. §§ 1956 and 1957, and therefore are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C). The Complaint also alleged Defendants are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because they constitute any property, real or personal, which constitutes or is derived from proceeds traceable to any offense constituting “specified unlawful activity” (as defined in Section 1956(c)(7)), or a conspiracy to commit such offense, with such offenses including violations of 18 U.S.C. §§ 1343 (wire fraud), 2318 (trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging), and 1029 (access device fraud). The Complaint further alleged that the properties are subject to forfeiture pursuant to 18 U.S.C. § 2323 because they constitute or were derived from proceeds obtained directly or indirectly as a

result of the commission of a violation of 18 U.S.C. § 2318.

Process was fully issued in this action and returned according to law.

The following known potential claimants were personally served the Notice of Complaint and Complaint for Forfeiture In Rem and have acknowledged service thereof—

- Yang and Schwartz Properties 1, LLC c/o SHK Group, PLLC
- Yang and Schwartz Properties, LLC c/o SHK Group, PLLC
- Perseus Properties 4, LLC c/o SHK Group PLLC
- Restore USA XV, LLC c/o SHK Group, PLLC
- Yang Properties, LLC c/o SHK Group PLLC
- Gabrielle Schwartz
- Jake H. Schwartz
- Yang and Schwartz Properties 1, LLC c/o Jake H. Schwartz
- Yang and Schwartz Properties, LLC c/o Jake H. Schwartz
- Pennystone Properties 6, LLC c/o Jimmy Dainard
- Radiant Investments USA, LLC, c/o Jimmy Dainard
- Infinity on 56th, LLC c/o Will Heaton
- Razor Investments c/o Will Heaton
- Willow Lane 2, LLC c/o Brandon Thorne
- Rex Yang, Jr.
- Yang and Schwartz Properties 1, LLC c/o Rex Yang, Jr.
- Yang and Schwartz Properties, LLC, c/o Rex Yang, Jr.
- Infinity on 56th, LLC c/o Rex Yang, Jr.
- Perseus Properties 4, LLC c/o Rex Yang, Jr.
- Restore USA XV, LLC c/o Rex Yang, Jr.
- Yang Properties, LLC c/o Rex Yang, Jr.

Any and all other potential claimants have been notified of the action and of their rights to assert a claim for Defendants by publication for thirty consecutive days beginning on January 14, 2015, and ending on February 14, 2015, on the official government internet site,

www.forfeiture.gov. A copy of the Declaration of Publication is on file with this Court.

Plaintiff and the claimants entered into a settlement (Doc. 183-1), which is hereby APPROVED as submitted. Pursuant to the settlement, the claimants agree to forfeit to the United States the following property:

- 2414 1st Avenue, Unit 443, Seattle, Washington 98121;
- 10764 Riviera Place NE, Seattle, Washington 98125;
- \$725,000.00 substituted for 1765 NW 56th Street, Seattle, Washington 98107;
- \$311,476.70 substituted for 110 West Florentia Street, Seattle, Washington 98119;
- \$164,000.00 substituted for 2112 94th Avenue NE, Clyde Hill, Washington 98004; and
- 108 West 2nd Street, #1014, Los Angeles, California, 90012.¹

Also, pursuant to the settlement agreement, the United States agrees it will not seek forfeiture and will file a release of *lis pendens* on the following real properties:

- 1920 4th Ave #1403, Seattle, Washington, 98101;
- 1920 4th Ave, # 2407, Seattle, Washington 98101;
- 1920 4th Ave #406, Seattle, Washington 98101;
- 2414 1st Avenue, Unit 343, Seattle, Washington 98121;
- 2002 18th Avenue South, Seattle, Washington 98144;
- 22655 156th Avenue, SE, Kent, Washington 98042;
- 1601 Maple Lane, Kent, Washington 98030;
- 19016 Firlands Way N., Shoreline, WA 98133;
- 3541 and 3543 South Alaska Street, Tacoma, Washington, 98418;
- 1013 and 1015 E. 35th Street, Tacoma, Washington 98405;
- 6826 S. Cheyenne Street, Tacoma, Washington 98409; and
- 6703 and 6705 Steilacoom Blvd., Lakewood, Washington 98499.

No other claims for the defendant properties that are subject of this partial Order have been filed

¹ The defendants have also agreed to the forfeiture of a number of previously restrained investment accounts. The United States has represented that it will move for a final order of forfeiture as to these remaining assets as soon as possible.

and the time within which such claims must have been filed has expired. *See* Fed. R. Civ. P., Supp. R. G(5)(a)(ii).

Accordingly, Plaintiff's motion for a partial judgment for forfeiture (Doc. 183) is GRANTED and it is ORDERED that:

(1) The following defendant properties are hereby forfeited to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(A), (a)(1)(C), and § 2323 to be disposed of according to law:

- 2414 1st Avenue, Unit 443, Seattle, Washington 98121;
- 10764 Riviera Place NE, Seattle, Washington 98125;
- \$725,000.00 substituted for 1765 NW 56th Street, Seattle, Washington 98107;
- \$311,476.70 substituted for 110 West Florentia Street, Seattle, Washington 98119;
- \$164,000.00 substituted for 2112 94th Avenue NE, Clyde Hill, Washington 98004;
- and
- 108 West 2nd Street, #1014, Los Angeles, California, 90012.

(2) Plaintiff shall file a release of the *Lis Pendens* as to the following real properties:

- 1920 4th Ave #1403, Seattle, Washington, 98101;
- 1920 4th Ave, # 2407, Seattle, Washington 98101;
- 1920 4th Ave #406, Seattle, Washington 98101;
- 2414 1st Avenue, Unit 343, Seattle, Washington 98121;
- 2002 18th Avenue South, Seattle, Washington 98144;
- 22655 156th Avenue, SE, Kent, Washington 98042;
- 1601 Maple Lane, Kent, Washington 98030;
- 19016 Firlands Way N., Shoreline, WA 98133;
- 3541 and 3543 South Alaska Street, Tacoma, Washington, 98418;
- 1013 and 1015 E. 35th Street, Tacoma, Washington 98405;
- 6826 S. Cheyenne Street, Tacoma, Washington 98409; and
- 6703 and 6705 Steilacoom Blvd., Lakewood, Washington 98499.

(3) All other persons claiming any right, title, or interest in or to the Defendants are held in default;

(4) All claims and interests in Defendants that are part of this Order, except as provided herein, are forever foreclosed and barred;

(5) Each party will bear their own costs; and

(6) The Clerk of the Court shall enter a judgment consistent with this order.

IT IS SO ORDERED.

Dated: January 17, 2017

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT